

III. REMARKS

1. Claims 20 and 21 are new.

2. The 35 U.S.C §112 first paragraph rejection of claims 1, 4 and 13 is respectfully traversed. Page 7, lines 30-33 states that the CTI-pin is a bi-directional and bi-mode (analogue/digital) signal pin. The term bi-directional should be well understood by one of skill in the art, and the term bi-mode is clearly defined. Thus, the claims should not be rejected under 35 U.S.C. §112, first paragraph.

2. Claims 1-10, 13, and 15-19 are patentable under 35 U.S.C. 103(a) over Andrews (US 5,911,121) in view of White et al. (US 2005/0026643, hereinafter "White"), and Gum (US 6,477,390). Obviousness under 35 U.S.C. §103(a) requires that the reference(s), when combined, teach or suggest all of the claim limitations. (See M.P.E.P. § 2142). This is not the case here. Claim 1 recites the connector pin operating in an identification state is a bi-directional and bi-mode signal pin. There is no such disclosure in either Andrews or White. Andrews discloses a selector pin. The particular position of the selector pin is read by the device to determine the appropriate configuration. This is a read only process and there is no data transfer. White only discloses that the access data of the passive data storage device may be an identity code. The identity code stored in this "passive data storage device" enables the mobile phone processor 23 to identify the particular type of fascia. The processor 23 can then control the functionality of the phone. There is no mention here or elsewhere in White regarding data moving in both directions. White only discloses a "data storage device." Data goes in one direction in White, from the passive data storage device to the processor 23. This is not the same as what is claimed by Applicant.

The Examiner refers to paragraphs [0039 and 0047] as supporting this proposition. However, paragraph [0039] only discloses that there is a passive storage device 17 that can derive power from the reader unit 15, and when activated, transmit control data stored in its memory.

Paragraph [0047] discloses that the passive data storage device 17 comprises a passive data storage unit 54 and a coupling element LC2. The data storage device supplies data to the reader unit 15. There is no disclosure here or elsewhere in White of a bi-directional and bi-mode signal pin as claimed by Applicant, and as succinctly described in the specification. Thus, the combination of Andrews and White cannot meet this claim element.

The Examiner also states the paragraph [0013 and 0014] of White teaches that the interface allows signal to travel from the cover to the body of the mobile phone and vice versa. This is not what is disclosed here. Paragraph [0013] states that the mobile telephone fascia carries a user interface and paragraph [0014] states that the data storage device does not require its own power supply. However, this is not the same as the bi-directional and bi-mode signal pin(s) claimed by Applicant.

The Examiner states it would be obvious to modify Andrews to not only have data going out but also to transfer data to fully utilize the interface. The Examiner is requested to define what is meant by the term "fully utilize." White discloses that the passive data storage device has a stored identity code, and that this stored identity code enables the mobile phone processor 23 to identify the particular type of fascia. Thus, the identity code needs only to be supplied to the mobile phone processor to fully utilize the interface and the mobile phone. Thus, there is no reason why one would look to modify Andrews, even if there was some suggestion to do so, which it is submitted there is not, to include a bi-directional and bi-mode signal pin as is claimed and described by Applicant. Thus, the features of this claim element are not met by the combination of White and Andrews.

The Examiner also states that Gum discloses the user defined mapping described and claimed by Applicant. Again, this is respectfully traversed. Gum relates to a wireless device that has intuitive audio keypad navigation features. In Gum, "distinctive or unique audible signals" are assigned to each of the keys. (Col. 4, lines 36-40.) This allows the user to differentiate one key from another. However, while different keys in

Gum may have different tones, there is no disclosure here or elsewhere in Gum of “user defined mapping” as claimed by Applicant. Thus, the features of this element are not met by the combination of Andrews, White and Gum.

Therefore, since each of the elements claimed by Applicant are not found in the combination of references, a *prima facie* case of obviousness under 35 U.S.C. §103(a) cannot be established.

Additionally and significantly, there is no motivation to combine Andrews and White as suggested by the Examiner for purposes of 35 U.S.C. §103(a). “Motivation” requires some teaching or suggestion to combine the prior art to meet the claimed subject matter. It remains necessary to identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed. (see USPTO memo of May 3, 2007).

The Examiner states that the motivation to combine Andrews and White would be to have the circuitry within the cover to make it easier and less expensive for future upgrades. This is respectfully traversed. There is no disclosure in either Andrews or White related to having circuitry in the cover. Rather, all that Andrews and White disclose is having the program selector in the cover. The detection circuitry, program and application circuitry are stored within the phone. There is no disclosure of circuitry within the cover that would affect future upgrades.

For example, Andrews shows the front cover 44 having program selector 60. The detection circuitry 50 is within the phone, located on the PCB 46. (see e.g. FIG. 3.) The PCB 46 contains “all of the circuitry needed for each of the various models.” (Col. 3, lines 27-30). White discloses a passive data storage device 17 on the cover. The device contains identification data that tells the phone whether the user has access to certain functions of the phone. [0010] All of the circuitry for the various functions of the phone are within the phone itself. (see e.g. FIG. 1, processor 23) White only discloses that control data may be stored in the passive storage device. This is not the same or the

equivalent of being having circuitry within the cover in order to upgrade the phone. Thus, one would not be motivated to combine these references for the purpose referenced by the Examiner, let alone that this alleged "motivation" does not meet the claimed subject matter.

The Examiner also states that it would be obvious to modify Andrews with White not only to have the data going in, but also to transfer data, and because the data storage can operate in a synchronous or asynchronous mode. However, it is respectfully noted that White does not disclose or suggest data being transferred in two directions. The Examiner refers to paragraph [0062] as disclosing this concept. However, all that this section of White discloses is that the access data may be an identity code. The identity code enables the mobile phone processor 23 to identify the particular type of fascia. The processor 23 can then control the functionality of the phone. There is no mention here or elsewhere in White regarding data moving in both directions. Data goes in one direction in White. From the passive data storage to the processor 23. Thus, one would not be motivated to modify Andrews in view of White to have data transferred in both directions as is being suggested by the Examiner.

Also, while White uses the terms synchronous and asynchronous, this is only with respect to the clock function and does not infer bi-direction as claimed by Applicant. Paragraph [0067] referred to by the Examiner states that with a synchronous passive storage device the "clock signal of the passive data storage 54 is controlled by and so synchronized with the reader microprocessor 51." If the passive data storage device 54 is asynchronous, the clock driver coupled to the junction J1 is replaced with a clock signal generator to generate an independent clock signal. Thus, White does not disclose bi-directional data transfer. Rather, White requires modification of the clock signal depending upon the type of device being used. Thus, White's use of the term asynchronous and synchronous does not imply data transfer as suggested by the Examiner and one would not be motivated to combine these references for that reason, in an effort to meet what is claimed by Applicant.

The Examiner also states that it would be obvious to modify Andrews to have bi-mode to increase flexibility. Given the broad scope and interpretation of the term "flexibility" it is not clear what is meant by that term. With respect to Applicant's claimed subject matter, the application is ambiguous. At most, it might imply an advantage that is unforeseen or realized by Applicant's claimed subject matter. However, an advantage is not a motivation or suggestion to combine references to meet the claimed subject matter. Advantages can only be recognized with hindsight knowledge of the claimed subject matter and are not reasons to combine subject matter to achieve a particular purpose. Thus, it is submitted that "flexibility" is not, and cannot provide the requisite motivation or suggestion to combine references for the purposes of 35 U.S.C. §103(a).

As noted above, the combination of Andrews, Gum and White does not disclose or suggest each feature of Applicant's claims. Thus, a *prima facie* case of obviousness cannot be established.

There is also no motivation to combine Andrews and White with Gum. First, Andrews, White and Gum cannot be combined for purposes of 35 U.S.C. §103(a) because they are non-analogous art. References can be combined if they are in the same field of endeavor as Applicant's or are pertinent to the problem addressed by Applicant. Andrews is directed to having a selector pin on the housing of a device to enable a specific program configuration in the device when the housing is connected. White is directed to having a passive storage device in a housing that can be used to control the operation of the device. Gum, in a completely different area, relates to a wireless device that has intuitive audio keypad navigation features. In Gum, "distinctive or unique audible signals" are assigned to each of the keys. (Col. 4, lines 36-40.) This allows the user to differentiate one key from another. However, while different keys in Gum may have different tones, there is no disclosure here of "user defined mapping" as claimed by Applicant. Gum also does not discuss or even allude to the use of different covers, exchangeable covers or housings for a phone. The Examiner states it would be obvious to combine Andrews and Gum to have an exchangeable cover and user defined mapping to provide user friendly features in a dark environment or for sight impaired.

Respectfully, this is merely speculation and not motivation to combine references to achieve what is claimed by Applicant. Where does the Examiner find support for the assertion that Applicant's claims are directed to providing an exchangeable cover and user defined mapping to provide user friendly features in a dark environment or for sight impaired? While this might be an unforeseen or realized advantage of one embodiment of what is claimed by Applicant, an unforeseen or realized advantage of what is claimed by Applicant is not "motivation" as required by 35 U.S.C. §103(a). Thus, Gum is not in the same field of endeavor as is the subject matter claimed by Applicant and is not pertinent to the problem addressed by Applicant. Therefore, Gum is not analogous art and cannot be combined with Andrews and White for purposes of 35 U.S.C. §103(a).

Furthermore, the combination of Andrews, White and Gum does not disclose or suggest user defined mapping as claimed by Applicant. Gum merely discloses "unique or distinctive" tones. Col. 6, lines 30-65, especially relied by the Examiner, merely states that keys can have different functions. This is not what is recited by Applicant in the claims. Thus, claim 1 is not obvious in view of Andrews, White and Gum.

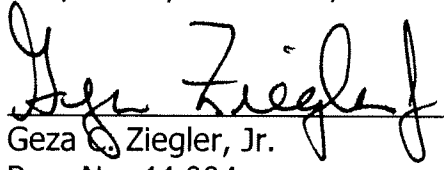
Since each of the elements claimed by Applicant cannot be found in the proposed combination of elements, there is no motivation or suggestion to combine the references and, in any case, the references are non-analogous, it is submitted that a *prima facie* case of obviousness over Andrews, Gum and White under 35 U.S.C. 103(a) is not established. Therefore, claims 1-10, 13 and 15-19 should be allowable.

3. Claims 11 and 14 are patentable under 35 U.S.C. 103(a) over Andrews, Gum, White and Zhao (US 2004/0204135). Claims 11 and 14 depend from claim 1 and 13 which for the reasons described above are patentable over the combination of Andrews, Gum and White. It is respectfully submitted that the combination of Andrews, Gum, White and Zhao fails to disclose all the features of Applicant's claim 1 as well. Therefore, claims 11 and 14 are patentable at least by reason of their respective dependencies.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350. No additional fees should be due for the new claims as an equal amount stand cancelled.

Respectfully submitted,


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